IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.398 OF 2004

Nicholas Piramal India Ltd. .. Appellant

Versus

Roche Anglo French Employees

Union .. Respondents

Mr.J.P.Cama with Bharat Goyal i/b. Haresh Mehta for appellants

Mr.Arshad Shaik for respondents.

WITH

LETTERS PATENT APPEAL NO.389 OF 2004

IN

WRIT PETITION NO.5924 OF 2004

Nicholas Piramal India Ltd. .. Appellant

Versus

Boehringer Manneheim Employees

Union .. Respondents

Mr. J.P. Cama with Bharat Goyal i/b. Haresh Mehta for appellants

Mr.Arshad Shaik for respondents.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 5TH NOVEMBER 2004.

P.C.

. Heard Advocates.

. By consent of the parties following order is passed.

1. The impugned common order of the learned single Judge dated 17.8.2004 passed in Writ Petition Nos. 5923 and 5924 of 2004 and the impugned common order of the Industrial court dated 7.5.2004 passed in Complaint (ULP) Nos. 565 and 564 of 2003 respectively, are hereby quashed and set aside.

2. Pending the hearing and final disposal of

the complaint (ULP) Nos. 565 and 564 of 2003, parties agree and undertake as under:-

(a) The Medical Representatives (MRs) listed in Annexure "A-3" hereto, who had initially reported on transfer and then returned back to their original head quarters after the order of the learned Single Judge dated 17.8.2004 shall proceed on transfer to the locations mentioned against their respective names in Annexure "a" above. They shall report at their transferred location and commence normal field work on or before 24.11.2004.

(b) As regards the employees who have not gone on transfer at all and whose names are given in Annexure "B-3" hereto, they shall proceed on transfer and report to the headquarters mentioned against their names on or before 24.11.2004.

(c) As far as Mr.Swapan Bhattacharjee from Annexure " B-3" is concerned,

pending disposal of complaint the appellant company has at the suggestion of the court decided to retain him at Kolkata Headquarters within the State of West Bengal. He shall commence work immediately on or before 8.11.2004.

(d) As regards the other MRs in the list at Exh.B-3 who are not transferred within the State where they were earlier working, the appellant company has decided to bring them back within the same State from which they were transferred as soon as any vacancy of an MR arises in such state/s without changing the nomenclature of such vacancy until the offer is accepted or rejected.

3. It is hereby agreed and understood that the appellant company has decided to adjust and/or alter the above transfers as a one-time and interim measure only and without prejudice to rights and contentions of the parties in the pending complaint (ULP) Nos. 565 and 564 of 2003.

4. It is made expressly clear that the entire arrangement contained in these minutes is only pending disposal of the main complaint in the Industrial Court.

5. As a gesture of goodwill, the appellant agrees and undertakes to pay wages for the period from 17.8.2004 to 31.10.2004 to all the respondent MRs if they report and commence his normal field work at their transferred headquarters as set out above. The reporting and commencement of normal fieldwork will be on or before 24.11.2004.

6. The appellant company shall provide promotional materials to the respondent MRs on the day they respectively commence work at the headquarters set out against their respective names in Annexures A and B. The appellant company shall also furnish to the respondent MRs necessary Doctors' Visit List (DVL). The MRs shall carry out necessary additions/deletions to this list in consultation with their respective superiors as per the existing practice. The

Territory Coverage Plan (TCP) shall be supplied/altered as per the existing practice.

7. The appellant company is directed to pay wages of October and November 2003 as per the order of the Industrial Court within two weeks from today. The appellant has already applied to the Industrial Court for a clarification as to the method of adjustment of these payments. The Industrial Court is directed to decide this aplication within four weeks from the date hereof.

8. All the interim applications except mentioned in clause (7) shall be decided along with Complaint (ULP) Nos. 564 and 565 of 2003.

9. The industrial court is directed to dispose of the Complaint (ULP) Nos. 564 and 565 of 2003 expeditiously.

10. Appeal disposed of accordingly. No order as to costs.

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